

on the said *Mary Llewellyn*, on or before the 19th day of May next, to the end that she may shew cause, if any she hath, why the said surplus should not be applied, as prayed, to the satisfaction of the just debts of the said *Jeremiah Booth*, deceased. And it is further *Ordered*, that the said trustee, by a publication of this order, to be inserted in some newspaper twice a week for three successive weeks before the 19th day of April next, give notice to the creditors of *Jeremiah Booth*, deceased, to file the vouchers of their claims in the Chancery office, on or before the tenth day of July next.

On the 20th of March, 1828, *Richard H. Lee* and *Ann* his wife, formerly *Ann Jordan*, and *Richard Jordan*, by their petition, stated, that when the sale of the 24th of September, 1810, was made of the real estate of their father *Richard Jordan*, deceased, they were infants, and *Edmund Key* was then their duly constituted guardian, and as such received from the said trustees, who made that sale, and from the said *Booth*, the purchaser, under the order of this court, out of the proceeds, and on account of the said sale, the sum of \$3,972 07, of which this petitioner *Ann* received from the said *Key* only \$167 03; and this petitioner *Richard* only \$388 22, making together but \$555 25, leaving still due to them, from the said *Key*, the sum of \$3,416 82, exclusive of interest; that the said *Booth* was one of the sureties in the bond given by the said *Key* as guardian of the petitioners; and being so liable, until that amount was fully satisfied, said *Booth* could never have obtained a legal title to said real estate; and that therefore, it was still a lien, and must operate as such upon the proceeds of said sale made by the trustee *Merrick*; or at any rate, that for such amount the petitioners were entitled to come in equally with all other creditors of every description upon the said proceeds. That the said *Key*, for some years past had been, and still was wholly insolvent; and had obtained the benefit of the insolvent laws since his receipt of the said sums of money. That since the said order for a re-sale, the petitioner *Ann* married the petitioner *Richard H. Lee*. Whereupon the petitioners prayed to have the benefit of the answer of the said *Edmund Key*, and that a *subpæna* might be directed to him; and that they might have such other and further relief as the nature of their case might require. Upon which a *subpæna* was issued accordingly.

The auditor, on the 18th of March, 1829, made a report in